

SEC. 33. In addition to the above provisions, the board of aldermen may adopt provisions, ordinances, and regulations imposing penalties on persons failing or refusing to make the improvements and repairs mentioned after being so directed by the board of aldermen.

Other powers of aldermen.

SEC. 34. That when any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already made or open, or other subjects allowed by this charter, and for want of agreement for compensation therefor, and the same cannot be purchased from the owner or owners at what the board considers a reasonable price, the same may be condemned and taken by the board of aldermen at a valuation to be made by three disinterested freeholders of the town to be chosen by the board of aldermen; and in making said valuation said freeholders, after giving the owner or owners, or their agent, notice, or after giving ten days notice in a newspaper published in the county in case such owner or owners or their agents cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefit or advantage the owner or owners may receive from the opening, widening, or changing such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner or owners of said property, and report the same to the board of aldermen under their hands and seals, which report, on being confirmed by the board of aldermen and spread upon their minutes, shall have the effect of a judgment upon the town of Black Mountain, and shall pass the title to the town of Black Mountain of the land so taken, and the land may at once be taken and used by the town for the purpose taken: *Provided*, that if any person whose land is taken under this paragraph or if the board of aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the Superior Court of Buncombe County: *Provided, however*, that such appeal shall not hinder or delay the board of aldermen in opening, widening, or changing such streets or making such improvement.

Power to condemn land.

Procedure for condemnation.

Proviso: right of appeal.

Proviso: appeal not to delay work.

SEC. 35. The board of aldermen may grant franchises to street railway companies, telephone companies, or companies of other kinds, to use the streets of the town to lay pipes, tracks, wires, and to set poles and to run cars and for other purposes, and may charge for such franchises and franchises and privileges, in addition to the annual license taxes, such amount as it may think just, to be turned over to the general fund of the town.

Franchises.

Charges for franchises.

SEC. 36. That the board of aldermen shall have power to cause alley lots, privies, stables, and other places of like character to be kept clean and decent, and shall have power to go upon the premises for that purpose.

Sanitation.